



Agenda Date: 8/18/04  
Agenda Item: IV C

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.bpu.state.nj.us](http://www.bpu.state.nj.us)**

TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF	)	ORDER OF APPROVAL
WARWICK VALLEY TELEPHONE COMPANY	)	
FOR CERTIFICATION WITH REGARD TO	)	
THE USE OF UNIVERSAL SERVICE SUPPORT	)	DOCKET NO. TO01090575

(SERVICE LIST ATTACHED)

BY THE BOARD:

On June 25, 2004, pursuant to 47 C.F.R. §54.314, Warwick Valley Telephone Company (Warwick) filed a verified petition with the Board of Public Utilities (Board) requesting certification that Warwick's use of Universal Service Support funds (USS) is consistent with the purposes for which such funds may be used, according to federal law. On July 6, 2004, Warwick sent certification of publication regarding this matter. This certification must be filed with the Federal Communications Commission (FCC) by October 1, 2004 in order for Warwick to receive its full allocation of funds under requirements imposed by the FCC. Warwick has requested expedited treatment of this matter.

Warwick is an incumbent local exchange carrier (ILEC) providing telecommunications services to customers in the Township of Vernon, County of Sussex, and Township of West Milford, County of Passaic, New Jersey, and the towns of Warwick and Goshen, New York. Warwick provides service to approximately 37,217 access lines, of which approximately 9,717 are in New Jersey. Warwick is a rural telephone company as defined by the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §§151 et seq.) (hereinafter, the Act). See 47 U.S.C. § 153(37). The Board has previously certified Warwick as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. §214(e). See Order of Approval, I/M/O a Petition by Warwick Valley Telephone Company for Designation as an Eligible Telecommunications Carrier Under the Telecommunications Act of 1996, Docket No. TO97080587 (November 25, 1997). Under the Act, certification as an Eligible Telecommunications Carrier is necessary in order to receive federal Universal Service Support. 47 U.S.C. § 254(e).

The FCC's rule at 47 C.F.R. §54.314(a) requires that, in order for Warwick to receive USS funds, the Board must file an annual certification with the USS fund administrator and state to the FCC that "all federal high-cost support provided to [Warwick] will be used only for provision, maintenance and upgrading of facilities and service for which the support is intended." Pursuant to 47 C.F.R. §54.314(d), the Board's annual certification must be filed with the administrator and the FCC by October 1, 2004, in order for Warwick to receive USS fund support for 2005.

By previous Order, dated August 19, 2003 at Docket No. TO01090575, the Board certified Warwick's use of USS funds in order for Warwick to receive support in 2004. In that Order, the Board stated:

Because state certification is now required on an annual basis, and in order to ensure continued use of universal support funds in a manner consistent with federal law, the Board DIRECTS Warwick to submit to the Board, no later than July 1<sup>st</sup> and January 1<sup>st</sup> of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of universal support funds. The Board FURTHER DIRECTS Warwick to file its future requests for Board certification no later than July 1<sup>st</sup> of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication.

By letter, dated December 30, 2003, Warwick provided pro forma information as of December 31, 2003 on Warwick's use of USS funds, in the same format and using the same accounting method that Warwick used in filing its previous petition for certification, dated June 25, 2003, at Docket No. TO01090575. Warwick stated that, absent different format and accounting methods determined by Board Staff, it intended to file, on a semi-annual basis, the same form of schedules as its support for obtaining the Board's future certifications on use of USS funds.

Warwick has filed the following information with its petition and its July 6, 2004 letter:

- A – Cost Support Response Form prepared as of June 21, 2004 (schedules for 2004 pro forma and 2005 projected).
- B – Affidavit of Philip A Grybas, Vice President of Warwick, certifying use of USS funds for 2005 will be for intended purposes under the Act.
- C – A copy of the proof of newspaper publication of this filing.

Having reviewed the petition and the information submitted in support thereof, the Board HEREBY CERTIFIES that Warwick shall use the federal USS it receives during 2005 for the provision, maintenance and upgrading of facilities and service for which such support is intended, as required by Section 254(e) of the Telecommunications Act of 1996 and 47 C.F.R. §54.101 et seq.

Because state certification is now required on an annual basis, and in order to ensure continued use of Universal Service Support funds in a manner consistent with federal law, the Board DIRECTS Warwick to continue to submit to the Board, no later than July 1<sup>st</sup> and January 1<sup>st</sup> of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of Universal Service Support funds.

The Board FURTHER DIRECTS Warwick to continue to file its future requests for Board certification no later than July 1<sup>st</sup> of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication. In addition, the Board requests that the Attorney General's office provide, to the Secretary of the FCC, a letter transmitting this Order in compliance with certification requirements as set forth in 47 C.F.R. §54.315.

DATED: 8/19/04

BOARD OF PUBLIC UTILITIES  
BY:



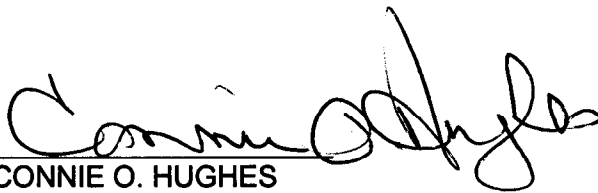
JEANNE M. FOX  
PRESIDENT



FREDERICK F. BUTLER  
COMMISSIONER



CAROL J. MURPHY  
COMMISSIONER

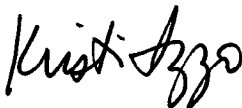


CONNIE O. HUGHES  
COMMISSIONER



JACK ALTER  
COMMISSIONER

ATTEST:



KRISTI IZZO  
SECRETARY

Service List

**Docket No. TO01090575**

Martin Rotherfelder, Esq.  
Rotherfelder Stern, L.L.C.  
625 Central Avenue  
Westfield, NJ 07090

Herbert Gareiss, Vice President  
Warwick Valley Telephone Company  
47 Main Street  
P.O. Box 592  
Warwick, NY 10990

Carol Artale  
Legal Specialist  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Seema M. Singh, Acting Ratepayer Advocate  
Division of Ratepayer Advocate  
31 Clinton Street, 11<sup>th</sup> Floor  
P.O. Box 46005  
Newark, NJ 07101

Todd Steadman, D.A.G.  
Department of Law and Public Safety  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07102

Bruce Gallagher  
Board of Public Utilities  
Division of Telecommunications  
Two Gateway Center  
Newark, NJ 07102